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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/647,109	12/27/2000	Ralph Gronau	AP9360	3797

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EXAMINER

CHERRY, STEPHEN J

ART UNIT PAPER NUMBER

2863

DATE MAILED: 01/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/647,109

Applicant(s)

GRONAU ET AL.

Examiner

Stephen J. Cherry

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 October 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 36-66 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 36-66 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 October 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Drawings***

The drawings are objected to because

Each of the objects depicted as "boxes" in the drawings should contain an English language description. (See 37 CFR 1.84 (o) ).

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 48-54 and 62-66 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant refers to a first and second filter with particular time constants. Unless the type of filter is disclosed, it is unclear how the filters with time constants work together, thus rendering the scope of the claim indefinite.

Applicant previously claimed "deep pass filters", and removed the limitation "deep pass" as a result of the previous office action. "Deep pass" is not a term used in the art. Applicant is encouraged to review the priority document and use a term such as "low pass", "high pass" or "band pass" to identify the filter.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 36-66 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 5,682,333 to Baumann. The claims describe, as anticipated by Baumann, determining the speeds of the vehicle wheels during travel ('333, col. 4, line 5), evaluating the speeds of the wheels in groups, for the wheels of the non-driven axle, and for the wheels of the left-hand vehicle side and the right-hand vehicle side ('333, col. 5, line 36) to obtain initial correction values based on the speeds of the wheels in the groups, and determining correction values for the individual wheels of the vehicle are determined in accordance with the results of the evaluation step ('333, col. 6, line 8),

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the evaluation in groups is effected for wheel speeds in relation to the wheel speed values determined during a state of travel in which conditions exist that are favorable for the evaluation of the wheel speed values of the group under consideration ('333, col. 5, line 24), the determined speeds of the vehicle are determined during a straight travel of the vehicle ('333, col. 3, line 60), the speeds of the vehicle wheels are determined during the disengaged state ('333, col. 5, line 28), the wheel speeds used for the evaluation grouped by vehicle sides are determined at different times than the wheel speeds used for the evaluation grouped by vehicle axles ('333, 8 and 10), the evaluation in groups of wheel speeds covers the ratio formation or difference formation or pair-wise normalization of the speeds of the wheels of this group (333, col. 5, line 42), a correction value is selected for one wheel wherein in accordance with the results of evaluation, correction values are determined for the rest of the vehicle wheels, ('333, col. 4, line 30), the determination of the wheel speed of the vehicle wheel includes sensing the rotating speed of the wheel by means of a wheel sensor ('333, col. 4, line 6) and, subsequent filtering of the sensed values ('333, col. 4, line 46), wherein the straight travel of the vehicle is detected by evaluating the time sequence of the difference of the wheel speeds ('333, col. 3, line 60), wheel sensors for determining the speeds of the wheels of the vehicle during travel ('333, col. 4, line 5), determining means for evaluating the speeds of the vehicle wheels in groups for at least one vehicle axle and at least one vehicle side to obtain initial correction values, and means for determining the values of correction for the individual wheels of the vehicle in accordance with the initial correction values ('333, col. 5, line 36 and col. 6, line 8), the

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determining means further includes a means for evaluating, in groups, the speeds of the wheel of the non-driven axle, and respectively one device for evaluating, in groups, the speeds of the wheels on the left-hand vehicle side and the right-hand vehicle side ('333, col. 5, line 36 and col. 6, line 8), state detection means for determining a driving state in which conditions for the wheel speed values of the group under consideration prevail that are favorable for evaluating wheel speeds, in groups, ('333, col. 5, line 24), the state detection means further includes detecting means for detecting straight travel of the vehicle ('333, col. 3, line 60), state detecting means further includes detecting means for detecting a disengaged state in the vehicle ('333, col. 5, line 28), said device for evaluating, in groups, wheel speeds includes a means for forming the ratio or the difference or for the normalization, in pairs, of the speeds of the wheels of the said group ('333, col. 5, line 42), the detecting means for detecting the straight travel of the vehicle further includes at least one filter for evaluating the value of the difference between the wheel speeds of one axle ('333, col. 7, line 8).

### ***Response to Arguments***

Applicant's arguments filed 10-8-02 have been fully considered but they are not persuasive.

In applicants argument concerning the previous 35 USC 112 second paragraph rejection of claims, which is withdrawn due to amendment of the claims, applicant states that the "deep pass filter" is described in the specification. The specification states that the filter is of first order, but does not describe it's characteristics. It is the opinion of the examiner that the source of this difficulty is an unclear translation from the foreign

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language application, and that a careful translation enable the use of a term that describes the invention.

Regarding applicants argument concerning the 35 USC 102 rejection of the claims, applicant states that Baumann does not disclose generation scaling factors from wheels on both sides of the vehicle as well as across axle to determine scaling factors, yet this is clearly displayed in the figure in blocks 7-10. Applicant further states that Baumann does not disclose using scaling factors from each of these groups to arrive at final scaling factors. This feature, and the contents of the groups are not clearly defined in the language of the claims.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen J. Cherry whose telephone number is (703) 305-0425. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John S. Hilten can be reached on (703) 308-0719. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9318 for regular communications and (703) 872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0719.

  
KAMINI SHAH  
PRIMARY EXAMINER

SJC  
December 30, 2002